

FILED

SEP X 8 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

AUG 21 2008

FILED
CLERK'S OFFICE

Inasmuch as no objection is
pending at this time, the
stay is lifted.

SEP - 8 2008

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

(SEE ATTACHED SCHEDULE)

C-08-31f3-82

CONDITIONAL TRANSFER ORDER (CTO-1)

On August 13, 2008, the Panel transferred eight civil actions to the United States District Court for the Southern District of West Virginia for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* __F.Supp.2d__ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Joseph R. Goodwin.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of West Virginia and assigned to Judge Goodwin.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of West Virginia for the reasons stated in the order of August 13, 2008, and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of West Virginia. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

A CERTIFIED TRUE COPY

SEP - 8 2008

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

ENTERED

SEP - 8 2008

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

Jeffery N. Lüthi
Clerk of the Panel

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

SCHEDULE CTO-1 - TAG-ALONG ACTIONS

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
ALABAMA MIDDLE ALM 2 08-616	Doris Hughes v. Actavis Totowa, LLC, et al.
ALABAMA NORTHERN ALN 2 08-1271	Bobbie Dyal, et al. v. Actavis Group hf, et al.
CALIFORNIA CENTRAL CAC 5 08-892 CAC 5 08-893 CAC 8 08-676	Richard Platzner, et al. v. Actavis Group hf, et al. Shannon Darby v. Actavis Group hf, et al. Richard Spangle v. Actavis Group hf, et al.
CALIFORNIA EASTERN CAE 2 08-1670	Patricia J. Harmon v. Actavis Totowa, LLC, et al.
CALIFORNIA NORTHERN 08-5173	Deplia Davis, et al. v. Actavis Group hf, et al.
CALIFORNIA SOUTHERN CAS 3 08-980	Frank Grady, et al. v. Actavis Totowa, LLC, et al.
INDIANA SOUTHERN INS 1 08-910	Jerry J. Losh v. Actavis Totowa, LLC, et al.
KANSAS KS 6 08-1145	Peter J. Konek v. Actavis, Inc., et al.
LOUISIANA EASTERN LAE 2 08-3699 LAE 2 08-4029 LAE 2 08-4088	Joseph L. Barrow, et al. v. Actavis Group hf, et al. James E. Freeman, et al. v. Actavis Group hf, et al. J. Kenneth Jewel v. Actavis Group hf, et al.
LOUISIANA MIDDLE LAM 3 08-310	David Longmire, et al. v. Actavis Group hf, et al.
LOUISIANA WESTERN LAW 5 08-880	Florence Pierce, et al. v. Actavis Group hf, et al.
MICHIGAN EASTERN MIE 2 08-12898	Anthony Harris, et al. v. Actavis Totowa, LLC, et al.

MDL No. 1968 - Schedule CTO-1 Tag-Along Actions (Continued)**DIST. DIV. C.A. #****CASE CAPTION****NEBRASKA**

NE 8 08-326

Karen Sheahan, et al. v. Actavis Totowa, LLC, et al.

NEW JERSEY

NJ 2 08-2943

Marion Roy, etc. v. Actavis Group hf, et al.

NJ 2 08-2960

Joyce A. Hergert, etc. v. Actavis Group hf, et al.

NJ 2 08-2976

Michael Pasken, et al. v. Actavis Group hf, et al.

NJ 2 08-3325

Jerry Bratcher, et al. v. Actavis Group hf, et al.

NJ 2 08-3348

Dona E. Bellamy, et al. v. Actavis Group hf, et al.

NJ 2 08-3349

Bertina E. Hoover, et al. v. Actavis Group hf, et al.

NJ 2 08-3350

Arika Elizabeth Morrow, etc. v. Actavis Totowa, LLC, et al.

NJ 2 08-3351

Phillip Mariam, et al. v. Actavis Group hf, et al.

NJ 2 08-3352

Jeanette Mcanly v. Actavis Group hf, et al.

NJ 2 08-3449

Ernestine Moore v. Actavis Group hf, et al.

NJ 2 08-3473

Marlene Lydia Bradaway, et al. v. Actavis Group hf, et al.

OHIO SOUTHERN

OHS 3 08-276

Sandra J. Marcum, etc. v. Actavis Group hf, et al.

PENNSYLVANIA EASTERN

PAE 2 08-2506

John Tucker, et al. v. Actavis Group hf, et al.

TENNESSEE EASTERN

TNE 1 08-134

Delores J. Keith, etc. v. Actavis Totowa, LLC, et al.

TNE 1 08-179

Benny Shope, etc. v. Actavis Totowa, LLC, et al.

TEXAS SOUTHERN

TXS 4 08-1995

Jennifer McCorquodale, etc. v. Actavis Group hf, et al.

WEST VIRGINIA NORTHERN

WVN 1 08-146

Robert Bey, et al. v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-147

Dorothy Boullion v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-148

Julie Carello v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-149

Janetta Clark v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-150

Robert Hemberger v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-151

Vincent Maddi v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-152

Thomas Murkowski v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-153

Ray Murphy v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-154

Roberta Sener v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-155

Errol Simpson v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-156

Ronald Wooten v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-157

Alan Zacek v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-158

Edmond Kazzi v. Mylan Pharmaceuticals, Inc., et al.

WVN 1 08-159

Andrew Porter v. Mylan Pharmaceuticals, Inc., et al.

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

INVOLVED COUNSEL LIST (CTO-1)

Actavis Elizabeth, LLC
200 Elmora Avenue
Elizabeth, NJ 07202-1106

Actavis Totowa, LLC
101 East Main Street
Little Falls, NJ 07424-5608

Actavis US, Inc.
60 Columbia Road
Building B
Morristown, NJ 07960-4535

James S. Arnold
ALLEN GUTHRIE MCHUGH & THOMAS
P. O. Box 3394
Charleston, WV 25333-3394

Patricia I. Avery
WOLF POPPER LLP
845 Third Avenue
New York, NY 10022

Dawn M. Barrios
BARRIOS KINGS DORF & CASTEIX LLP
One Shell Square
701 Poydras Street
Suite 3650
New Orleans, LA 70139-3650

Daniel E. Becnel, Jr.
BECNEL LAW FIRM LLC
106 West Seventh Street
P.O. Drawer H
Reserve, LA 70084

Scott R. Bickford
MARTZELL & BICKFORD
338 Lafayette Street
New Orleans, LA 70130

Amber L. Blohm
CASSEM TIERNEY LAW FIRM
8805 Indian Hills Drive
Suite 300
Omaha, NE 68114

James E. Cecchi
CARELLA BYRNE BAIN GILFILLAN ET AL
5 Becker Farm Road
Roseland, NJ 07068-1739

John R. Climaco
CLIMACO LEFKOWITZ PECA WILCOX &
GARFOLI CO LPA
55 Public Square
Suite 1950
Cleveland, OH 44113

William G. Colvin
HORTON MADDOX & ANDERSON PLLC
One Central Plaza
835 Georgia Avenue
Suite 600
Chattanooga, TN 37402

C. Brooks Cutter
KERSHAW CUTTER & RATINOFF LLP
401 Watt Avenue
Sacramento, CA 95864

Frank Jacob D'Amico, Jr.
622 Barone Street
2nd Floor
New Orleans, LA 70113

Leonard A. Davis
HERMAN HERMAN KATZ & COTLAR LLP
820 O'Keefe Avenue
New Orleans, LA 70113-1116

MDL No. 1968 - Involved Counsel List (CTO-1) (Continued)

Richard A. Dean
TUCKER ELLIS & WEST
925 Euclid Avenue
Suite 1150
Cleveland, OH 44115

G. Rick DiGiorgio
CORY WATSON CROWDER & DEGARIS PC
2131 Magnolia Avenue
Suite 200
P.O Box 55927
Birmingham, AL 35255-5972

Elizabeth J. Doepken
COHEN & MALAD LLP
One Indiana Square
Suite 1400
Indianapolis, IN 46204-2058

Fredrick Harold Fern
HARRIS BEACH LLP
One Gateway Center
Suite 2500
Newark, NJ 07102

Leonard V. Fodera
SILVERMAN & FODERA PC
1835 Market Street
Eleven Penn Center
Suite 2600
Philadelphia, PA 19103-2968

Bruce Daniel Greenberg
LITE DEPALMA GREENBERG & RIVAS LLC
Two Gateway Center
12th Floor
Newark, NJ 07102

Barry M. Hill
HILL WILLIAMS PLLC
89 12th Street
Wheeling, WV 26003

James B. Irwin, V
IRWIN FRITCHIE URQUHART & MOORE LLC
400 Poydras Street
Suite 2700
New Orleans, LA 70130

Bruce S. Kingsdorf
BARRIOS KINGSDORF & CASTEIX LLP
One Shell Square
701 Poydras Street
Suite 3650
New Orleans, LA 70139-3650

Hugh Palmer Lambert
LAMBERT & NELSON
701 Magazine Street
New Orleans, LA 70130

Christopher Lavorato
LAVORATO HOUSE CHILTON & LAVORATO
310 Capitol Street
Salinas, CA 93901

Don K. Ledgard
CAPRETZ & ASSOCIATES
West Tower
5000 Birch Street
Suite 2500
Newport Beach, CA 92660-2139

Arnold Levin
LEVIN FISHBEIN SEDRAN & BERMAN
510 Walnut Street
Suite 500
Philadelphia, PA 19106

Michael Alan Logan
KANE RUSSELL COLEMAN & LOGAN
1601 Elm Street
37th Floor- Suite 3700
Dallas, TX 75201-7207

MDL No. 1968 - Involved Counsel List (CTO-1) (Continued)

Fred S. Longer
LEVIN FISHBEIN SEDRAN & BERMAN
510 Walnut Street
Suite 500
Philadelphia, PA 19106

Christine A. Lustgarten
DORNAN LUSTGARTEN LAW FIRM
1403 Farnam Street
Suite 232
Omaha, NE 68102

John R. Malkinson
MALKINSON & HALPERN PC
223 West Jackson Boulevard
Suite 1010
Chicago, IL 60606

Deborah B. McIlhenny
HUTTON & HUTTON LAW FIRM LLC
8100 East 22nd Street, North
Building 1200
P.O. Box 638
Wichita, KS 67201

Richard D. Meadow
LANIER LAW FIRM PLLC
126 East 56th Street
6th Floor
New York, NY 10022

Karen Barth Menzies
ROBINSON CALCAGNIE & ROBINSON
620 Newport Center Drive
Seventh Floor
Newport Beach, CA 92660

Mylan Bertek Pharmaceuticals, Inc.
12720 Dairy Ashford Road
Sugar Land, TX 77478-2844

Niki B. Okcu
COTCHETT PITRE & MCCARTHY
840 Malcolm Road
Suite 200
Burlingame, CA 94010

Ashley L. Ownby
180 North Ocoee Street
P.O. Box 176
Cleveland, TN 37364-0176

John D. Peters
Charfoos & Christensen, P.C.
5510 Woodward Avenue
Detroit, MI 48202

David M. Peterson
PETERSON & ASSOCIATES PC
801 West 47th Street
The Park Plaza Building
Suite 107
Kansas City, MO 64112-1253

John Van Robichaux, Jr.
ROBICHAUX LAW FIRM
P.O. Box 792500
New Orleans, LA 70179

Shelly A. Sanford
SANFORD PINEDO LLP
2016 Bissonnet Street
Houston, TX 77005-1647

Kevin C. Schiferl
LOCKE REYNOLDS LLP
201 North Illinois Street
Suite 1000
P.O. Box 44961
Indianapolis, IN 46244-0961

Richard W. Schulte
BOTROS BEHNKE & SCHULTE LLC
131 North Ludlow Street
Suite 840
Dayton, OH 45402

MDL No. 1968 - Involved Counsel List (CTO-1) (Continued)

Steven A. Stadtmauer
HARRIS BEACH LLP
One Gateway Center
Suite 2500
Newark, NJ 07102

Thomas N. Sterchi
BAKER STERCHI COWDEN & RICE LLC
2400 Pershing Road
Suite 500
Kansas City, MO 64108-2533

David B. Thomas
ALLEN GUTHRIE MCHUGH & THOMAS PLLC
P.O. Box 3394
Charleston, WV 25333-3394

UDL Laboratories, Inc.
1718 Northrock Court
Rockford, IL 61103-1201

Tyler C. Vail
DAVIS & NORRIS LLP
One Highland Place
2151 Highland Avenue
Suite 100
Birmingham, AL 35205

Michael M. Weinkowitz
LEVIN FISHBEIN SEDRAN & BERMAN
510 Walnut Street
Suite 500
Philadelphia, PA 19106

Scott Wm. Weinstein
MORGAN & MORGAN PA
12800 University Drive
Suite 600
P.O. Box 9504
Fort Myers, FL 33906

Justin I. Woods
GAINSBURGH BENJAMIN DAVID MEUNIER &
WARSHAUER
2800 Energy Centre
1100 Poydras Street
New Orleans, LA 70163-2800

Michael Carl Zellers
TUCKER ELLIS & WEST LLP
515 South Flower Street
Suite 4200
Los Angeles, CA 90071-2223

Diane K. Zink
LAW OFFICE OF DIANE K ZINK
425 West Airline Highway
Suite B
LaPlace, LA 70068

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

INVOLVED JUDGES LIST (CTO-1)

Hon. Robert R. Armstrong, Jr.
U.S. Magistrate Judge
274 Hugo L. Black U.S. Courthouse
1729 5th Avenue, North
Birmingham, AL 35203

Hon. Peter Beer
Senior U.S. District Judge
U.S. Courthouse, Room C-121
500 Poydras Street
New Orleans, LA 70130

Hon. Monti L. Belot
Senior U.S. District Judge
111 U.S. Courthouse
401 North Market Street
Wichita, KS 67202

Hon. Helen G. Berrigan
Chief Judge, U.S. District Court
C-556 Hale Boggs Federal Building
U.S. Courthouse
500 Poydras Street
New Orleans, LA 70130

Hon. Cormac J. Carney
U.S. District Judge
1053 Ronald Regan Federal Building & U.S.
Courthouse
411 West Fourth Street
Santa Ana, CA 92701

Hon. Curtis Lynn Collier
Chief Judge, U.S. District Court
317 Joel W. Solomon Federal Building & U.S.
Courthouse
900 Georgia Avenue
Chattanooga, TN 37402

Hon. Frank C. Damrell, Jr.
U.S. District Judge
Robert T. Matsui U.S. Courthouse
15th Floor
501 I Street
Sacramento, CA 95814-7300

Hon. Patrick J. Duggan
Senior U.S. District Judge
Theodore Levin U.S. Courthouse
Room 867
231 West Lafayette Boulevard
Detroit, MI 48226

Hon. Joseph A. Greenaway, Jr.
U.S. District Judge
411 U.S. Post Office & Courthouse
Two Federal Square
Newark, NJ 07102

Hon. David F. Hamilton
Chief Judge, U.S. District Court
330 Birch Bayh Federal Building & U.S.
Courthouse
46 East Ohio Street
Indianapolis, IN 46204

Hon. Katharine S. Hayden
U.S. District Judge
311 U.S. Post Office & Courthouse
P. O. Box 999
Newark, NJ 07101-0999

Hon. Lynn N. Hughes
U.S. District Judge
11122 Bob Casey U.S. Courthouse
515 Rusk Avenue
Houston, TX 77002

MDL No. 1968 - Involved Judges List (CTO-1) (Continued)

Hon. Irene M. Keeley
U.S. District Judge
P.O. Box 2808
Clarksburg, WV 26302

Hon. Stephen G. Larson
U.S. District Judge
260 George E. Brown, Jr. U.S. Courthouse
3470 Twelfth Street
Riverside, CA 92501-3801

Hon. Mary Ann Vial Lemmon
U.S. District Judge
C-406 U.S. Courthouse
500 Poydras Street
New Orleans, LA 70130

Hon. Thomas N. O'Neill, Jr.
Senior U.S. District Judge
4007 James A. Byrne U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Hon. Frank J. Polozola
Senior U.S. District Judge
313 Russell B. Long Federal Building
777 Florida Street
Baton Rouge, LA 70801

Hon. Walter H. Rice
Senior U.S. District Judge
909 Federal Building
200 West Second Street
Dayton, OH 45402

Hon. Dana M. Sabraw
U.S. District Judge
U.S. District Court
Edward J. Schwartz U.S. Courthouse, Suite 2160
940 Front Street
San Diego, CA 92101

Hon. Thomas D. Thalken
U.S. Magistrate Judge
United States District Court
Roman L. Hruska United States Courthouse
111 South 18th Plaza, Suite 2271
Omaha, NE 68102

Hon. Donald E. Walter
Senior U.S. District Judge
4200 U.S. Courthouse
300 Fannin Street
Shreveport, LA 71101-3050

Hon. W. Keith Watkins
U.S. District Judge
F-300 Frank M. Johnson, Jr. Federal Courthouse
Annex
One Church Street
Montgomery, AL 36104

Hon. Bernard Zimmerman
U.S. Magistrate Judge
Philip Burton U.S. Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

INVOLVED CLERKS LIST (CTO-1)

Debra P. Hackett, Clerk
U.S. District Court
P.O. Box 711
Montgomery, AL 36101-0711

Timothy M. O'Brien, Clerk
204 U.S. Courthouse
401 N. Market Street
Wichita, KS 67202

Perry D. Mathis, Clerk
140 Hugo L. Black U.S. Courthouse
1729 5th Avenue North
Birmingham, AL 35203

Loretta G. Whyte, Clerk
U.S. District Court
500 Poydras Street
Room C-151
New Orleans, LA 70130

Sherri R. Carter, Clerk
G-8 U.S. Courthouse
312 North Spring Street
Los Angeles, CA 90012

Nicholas Joseph Lorio, Clerk
139 Russell B. Long Federal Building
777 Florida Street
Baton Rouge, LA 70801

Sherri R. Carter, Clerk
Ronald Reagan Federal Building & U.S. Courthouse
411 West Fourth Street
Santa Ana, CA 92701-4516

Robert H. Shemwell, Clerk
1167 U.S. Courthouse
300 Fannin Street
Shreveport, LA 71101-3083

Jack L. Wagner, Clerk
4-200 U.S. Courthouse
501 I Street
Sacramento, CA 95814-2322

David J. Weaver, Clerk
814 Theodore Levin U.S. Courthouse
231 West Lafayette Boulevard
Detroit, MI 48226

Richard W. Wicking, Clerk
Phillip Burton U.S. Courthouse
Box 36060
450 Golden Gate Avenue
San Francisco, CA 94102-3489

Denise Lucks, Clerk
1152 Roman L. Hruska U.S. Courthouse
111 South 18th Plaza
Omaha, NE 68102-1322

W. Samuel Hamrick, Jr., Clerk
4290 Edward J. Schwartz Federal Building
880 Front Street
San Diego, CA 92101-8900

William T. Walsh, Clerk
Martin Luther King, Jr. Federal Building & U.S.
Courthouse
50 Walnut Street, 4th Floor
Newark, NJ 07102

Laura A. Briggs, Clerk
105 Birch Bayh Federal Building & U.S. Courthouse
46 East Ohio Street
Indianapolis, IN 46204

James Bonini, Clerk
Federal Building, Room 712
200 West Second Street
Dayton, OH 45402

MDL No. 1968 - Involved Clerks List (CTO-1) (Continued)

Michael E. Kunz, Clerk
2609 James A. Byrne U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797

Patricia L. McNutt, Clerk
U.S. District Court
900 Georgia Avenue
Room 309
Chattanooga, TN 37402

Michael N. Milby, Clerk
United States District Court
P.O. Box 61010
Houston, TX 77208-1010

Wally A. Edgell, Clerk
P.O. Box 2857
Clarksburg, WV 26302-2857

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

CHAIRMAN:
Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: (202) 502-2800
Fax: (202) 502-2888
<http://www.jpml.uscourts.gov>

September 8, 2008

Teresa Deppner, Clerk
Post Office Box 2546
Charleston, WV 25329-2546

Re: MDL No. 1968 -- IN RE: Digitek Products Liability Litigation

(See Attached CTO-1)

Dear Ms. Deppner:

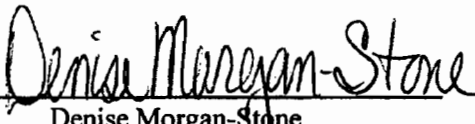
I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on August 21, 2008. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
Denise Morgan-Stone
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Joseph R. Goodwin
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)

JPML Form 36